

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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FILE: B-220052 **DATE:** January 17, 1986
MATTER OF: AT&T Technology Systems

DIGEST:

Protest that agency did not require the awardee to meet all RFP requirements and that award therefore was improper is denied where in camera review indicates that the awardee unconditionally offered a system meeting the agency's requirement and the agency determined that the system in fact met the RFP requirements.

AT&T Technology Systems (AT&T) protests the award of a contract to Rockwell International Corporation, Collins Transmission Division (Rockwell), under Department of the Army request for proposals (RFP) No. DAAD07-85-R-0039, for an Optical Fiber Cable and Multiplex System. The system is used for transmitting voice and data signals between specified points.

We deny the protest.

The RFP, issued on April 18, 1985, provided that an award would be made to the firm that offered the best buy, to be determined by comparing the proposed prices with the evaluated numerical ratings of the technical proposals. On July 11, the closing date for the receipt of initial proposals, the Army received four offers, two of which, those submitted by AT&T and Rockwell, were included in the competitive range. The Army held discussions with both offerors and requested that each submit a best and final offer (BAFO). Evaluation of the BAFOs yielded scores of 78.04 and 65.68 for Rockwell's and AT&T's proposals, respectively. Given that AT&T's cost proposal was 32 percent higher than Rockwell's cost proposal, the Army determined that Rockwell offered the best buy to the government and awarded a contract to that firm.

Before proceeding to the merits of the protest, we note that Rockwell has asserted that its proposal is comprised entirely of proprietary information that should not be disclosed to AT&T or other parties. AT&T has filed a Freedom

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of Information Act (FOIA) request seeking this information but, to date, has not been given access to Rockwell's proposal or related agency documents. Accordingly, while we have reviewed Rockwell's proposal and the evaluation materials in camera, our discussion of specific aspects of Rockwell's proposal is limited. See generally C.M.P. Inc., B-216508, Feb. 7, 1985, 85-1 C.P.D. ¶ 156.

The Optical Fiber Cable and Multiplex System transmits voice and data signals to specified locations within the Army base and is comprised of a number of pieces of electronic equipment or hardware. When a signal is generated, it flows into the system and onto a "jackfield" where the individual voice frequency circuits "terminate." The voice frequency channels then flow into a channel bank (here, the D4 channel bank) where up to 48 voice frequency channels are multiplexed, or transmitted, into two 24-channel DS1 digital signals. The individual DS1 digital signals then enter onto a second jackfield and terminate. From this point, the signals flow into the multiplexer where up to 24-channel DS1 signals are multiplexed into a single DS3 signal. The single DS3 signal then terminates on a coaxial jackfield known as the DS3 Network Interface. At this point, a DS3 encryption device may be inserted to encode transmissions. With or without the device, the electrical signals are then converted to optical signals, which flow into an Optical Patch Panel and terminate. They can then be transmitted over the fiber optic cable.

AT&T's protest arguments are based on its review of Rockwell product catalogs, and its belief that Rockwell offered its Digital Multiplex Lightwave System 45 (DML-45) to meet the Army's requirements. AT&T argues that the DML-45 does not meet the requirements of the RFP purchase description, first, because the DML-45 performs three required functions (multiplexing up to 28 of the 24-channel digital signals into one optical signal) in one component. AT&T maintains that because the equipment's multiplex and optical interface functions are performed in one component, the system does not comply with paragraph 3.3.9 of the purchase description, which requires access to the multiplexer-to-the-optical interface.

Second, AT&T alleges that because the DML-45 multiplexes the digital signal into an optical signal rather than an electrical signal, it cannot comply with paragraphs

3.3.9 and 3.3.10.1 and AT&T Technical Advisory 34 (TA34), incorporated in the RFP. Paragraph 3.3.9 and TA34 require electrical output. Paragraph 3.3.10.1 requires access to the multiplexer at the optical interface for purposes of adding an encryption device and, according to AT&T, this requirement cannot be met without electrical output. AT&T speculates that Rockwell may have modified the DML-45 to comply with the electrical output requirement, but AT&T asserts that, if upgraded in this manner, the DML-45 then would not comply with an additional requirement under paragraph 3.3.10.1 that the multiplexer-to-optical interface be designed such that normal operation can be accomplished without circuit or equipment modification. AT&T also asserts that if the DML-45 is modified to permit access to the DS3 signal to comply with paragraphs 3.3.9 and 3.3.10.1, the offered equipment would not satisfy paragraph 3.1.2, which states that the assembly or module shall not be specially made or modified to meet the requirements of the procurement, except to meet special "crypto-signaling" compatibility.

Third, AT&T asserts that the DML-45 cannot comply with purchase description paragraph 3.5.2 and RFP amendment no. 1 without violating purchase description paragraph 3.1.18. According to AT&T, its review of DML-45 literature shows that the DML-45 can comply with paragraph 3.5.2 and amendment no. 1 (concerning the provision of an automatic switch for the fiber cable) only if it is upgraded. AT&T alleges that any such upgrade would cause certain other components of the DML-45 to become obsolete, a direct violation of paragraph 3.1.18.

In reviewing protests against the propriety of a technical evaluation, it is not the function of our Office to independently evaluate technical proposals. See A.B. Dick Co., B-211119.3, Sept. 22, 1983, 83-2 C.P.D. ¶ 360. Rather, the overall determination of the relative desirability and technical adequacy of offered equipment is primarily a function of the procuring agency which, we have recognized, enjoys a reasonable range of discretion in proposal evaluation. *Id.* Consequently, we will question an agency's technical evaluation only where the record clearly shows that the evaluation was conducted arbitrarily or capriciously. See DDL Omni Engineering, B-220075, B-220075.2, Dec. 18, 1985, 85-2 C.P.D. ¶ ____.

The record shows that the Army reviewed the BAFOs submitted by AT&T and Rockwell and found that Rockwell's

proposal complied with all of the RFP requirements, including those on which AT&T's protest is founded. Indeed, the Army rated Rockwell's system superior overall to AT&T's offered system.

The Army states that, contrary to the principal assumption underlying the protest, Rockwell did not propose its DML-45 system alone but, rather, offered it as only a part of a total system. The Army found that this system as a whole complied with the RFP's purchase description. Specifically, concerning paragraphs 3.3.9 and 3.3.10.1, the Army found that Rockwell, in fact, did offer a system that has electrical output and is compatible with the coaxial jackfield and which permits the insertion and removal of encryption equipment without interfering with the system operation, as required. Thus, according to the Army, the modifications AT&T speculates might have taken place to make the DML-45 compliant in fact were not necessary. The Army does concede that certain equipment offered by Rockwell will have to be modified to meet the requirements for future system expansion. The Army states, however, that, contrary to AT&T's speculation, any modifications would be relatively minor and would not cause any components of the offered equipment to become obsolete.

We have reviewed the record and find no basis for taking exception to the Army's technical conclusions. The Army has made specific determinations that Rockwell's equipment satisfies each of the RFP requirements cited by AT&T, and Rockwell's proposal reasonably supports these determinations. For example, the proposal expressly provides, in connection with paragraph 3.3.10.1, that an encryption device can be inserted and removed without interfering with the system's normal operation; the Army has confirmed that Rockwell's system, in fact, has this capability. Moreover, AT&T's speculation that Rockwell's system will require extensive modifications to comply with certain RFP requirements is unfounded. The Army has determined that only minor future modifications--modifications it deems acceptable under the RFP--will be required for the system Rockwell has offered.

We recognize that AT&T was not in a position to present anything more than speculative arguments due to the claimed proprietary rights in, and resultant nondisclosure of, Rockwell's proposal and the evaluation. The fact remains, nonetheless, that the record simply contains no evidence that

the Army's technical conclusions were incorrect. We thus have no basis for sustaining the protest on this ground.

To the extent AT&T may believe Rockwell will be unable to meet its commitment to fulfill the Army's requirements, this consideration is a matter of contract administration which is within the ambit of the Army, not our Office. See Data Products New England, Inc., et al., B-199024, Jan. 9, 1981, 81-1 C.P.D. ¶ 16.

AT&T also alleges that the Army relaxed certain RFP requirements in accepting Rockwell's proposal. AT&T asserts that, during discussions, it was told to include in its BAFO network isolation at two points, a network interface at certain points, and network synchronization. AT&T states that it complied with these requests and, as a result, had to increase its cost proposal. Based on Rockwell's low cost proposal, AT&T asserts that Rockwell could not have been required to meet these requirements.

The Army responds that, contrary to AT&T's speculation, Rockwell did offer network isolation and network interface. The Army explains it was unnecessary to request these features during discussions specifically, because Rockwell included them in its initial proposal. The Army reports it did not require Rockwell to provide network synchronization because this was not an RFP requirement. The Army denies it ever told AT&T to include this feature in its system.

We have reviewed Rockwell's proposal and find that Rockwell did propose network isolation and network interfacing at the required locations in its system. We also have examined the RFP and the rest of the record and find neither any stated requirement for network synchronization, nor any evidence that AT&T was told during discussions that this was a required feature.

The protest is denied.

for Seymour Efra
Harry R. Van Cleve
General Counsel